

MARCUS LEE (NV Bar No. 15769)
INKU NAM (NV Bar No. 12050)
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Telephone: 702.893.3383
Facsimile: 702.893.3789
Marcus.Lee@lewisbrisbois.com
Inku.Nam@lewisbrisbois.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AYNUR KABOTA, an individual,

Plaintiff,

vs.

EDUVISION, INC., dba ARIZONA
COLLEGE, a foreign corporation domiciled in
Missouri; SENTINEL PEAK CAPITAL, LLC,
dba ARIZONA COLLEGE, a Delaware
Limited Liability Company; DIANE
THOMASON, an individual; DANIEL J.
NAVARRO, an individual; PATRICIA T.
ALPERT, an individual; MARIE
HALLINAN, an individual,

Defendants.

CASE NO. 2:19-cv-01497-JAD-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND
SCHEDULING ORDER [LR IA 6-1(a)
and LR 26-3]**

(Ninth Request)

Pursuant to LR IA 6-1(a) and LR 26-3, the parties, by and through their respective
counsel of record, hereby state as follows:

1. On September 11, 2020, this Court entered an Order granting the initial
Stipulated Discovery Plan and Scheduling Order (ECF No. 41.) and agreed to extend the initial
deadlines on February 17, 2021. (ECF No. 43.)
2. On November 30, 2021, this Court entered an Order granting Plaintiff's Motion
to Extend Time. (ECF No. 53.)

1 3. On February 10, 2022, this Court entered an Order granting the parties'
2 Stipulation for Extension of Time. (ECF No. 55.)

3 4. On March 10, 2022, this Court entered an Order granting the parties' Stipulation
4 for Extension of Time. (ECF No. 59.)

5 5. On April 18, 2022, this Court entered an Order granting the parties' Stipulation
6 for Extension of Time. (ECF No. 61.)

7 6. On June 22, 2022, this Court entered an Order granting the parties' Stipulation
8 for Extension of Time. (ECF No. 63.)

9 7. On July 15, 2022, this Court entered an Order granting the parties' Stipulation
10 for Extension of Time. (ECF No. 65.)

11 8. On August 9, 2022, this Court entered an Order granting the parties' Stipulation
12 for Extension of Time. (ECF No. 67.)

13 9. This is the ninth request by the parties to amend the Court's Discovery Plan and
14 Scheduling Order.

15 10. The parties stipulate and agree to reopen the discovery cutoff deadline and to
16 extend the dispositive motion and joint pretrial order deadlines. There is excusable neglect
17 here, because the parties are seeking the new deadlines in order to resolve meet and confer
18 discussions regarding Plaintiff's late disclosure of pertinent video records that are directly
19 relevant to a central issue in this case. The parties are working in good faith to resolve this
20 discovery dispute in order to avoid raising further disputes to the Court.

21 **I. STATEMENT OF DISCOVERY THAT HAS BEEN COMPLETED:**

22 1. To date, the parties have exchanged initial and supplemental disclosures,
23 Plaintiff and Defendants have propounded interrogatories, requests for production, and requests
24 for admissions.

25 2. Plaintiff has conducted the depositions of Diane Thomason, Daniel Navarro,
26 Patricia Alpert, Marie Hallinan, Shannon Scott, and Marife Aczon-Armstrong.

27 3. Defendants have conducted the depositions of Plaintiff Aynur Kabota and Rami

1 Kabota.

2 4. Plaintiff and Defendants have served their respective expert witness and rebuttal
3 disclosures.

4 **II. DISCOVERY YET TO BE COMPLETED:**

5 1. Plaintiff and Defendants have agreed to re-open the depositions of Plaintiff
6 Aynur Kabota, Rami Kabota, Daniel Navarro, Diane Thomason, and Patricia Alpert in order to
7 allow the parties to seek testimony in light of the Plaintiff's late disclosure of pertinent video
8 records.

9 2. Plaintiff and Defendants agree that additional depositions may be re-opened or
10 noticed as the parties make further determinations in their meet and confer discussions.

11 **III. WHY THE DEADLINES HAVE NOT BEEN SATISFIED:**

12 This request is being made after the discovery cut-off deadline due to excusable neglect,
13 but outside of 21 days of the dispositive motions and pretrial order deadlines. Since the
14 submission of the parties' eighth stipulation to extend discovery deadlines, the parties
15 coordinated and completed the second day of Plaintiff's deposition and the deposition of
16 Plaintiff's husband, Rami Kabota. During these depositions, testimony emerged regarding
17 pertinent video records that had not yet been disclosed in this case. Following these
18 depositions, Plaintiff's counsel emailed Defendants' counsel providing website links to three
19 videos that were described by Plaintiff and Plaintiff's husband during their depositions.
20 Following, Plaintiff's counsel supplemented Plaintiff's disclosures with copies of the three
21 video electronic files that Plaintiff and Plaintiff's husband described during their depositions.
22 Defendants had no indication that these video records existed prior to receiving the testimony of
23 Plaintiff and Plaintiff's husband at deposition.

24 Thus for good cause and not for the purpose of delay, the parties request that the
25 discovery period be extended as follows:

<u>Activity</u>	<u>Current Date</u>	<u>Requested Date</u>
Discovery Cut-Off Date	10/05/2022	1/31/2023

Dispositive Motions 12/02/2022 2/28/2023

Pretrial Order 01/06/2023 3/31/2023

If dispositive motion(s) are filed, the parties request that the pretrial order become due 30 days after a ruling on the dispositive motion(s).

This request is being made within 21 days of the discovery cut-off due to excusable neglect. Any further requests for extensions will be made at least 21 days before the deadline that extension of is sought.

DATED this 4th day of November, 2022.

LAW OFFICES OF MICHAEL P.
BALABAN

LEWIS BRISBOIS BISGAARD &
SMITH, LLP

/s/ Michael Balaban

/s/ Inku Nam

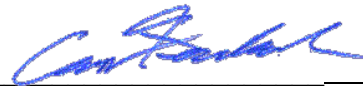
Michael P. Balaban, Esq.
Bar No. 9370
Law Offices of Michael P. Balaban
10726 Del Rudini Street
Las Vegas, NV 89141
Tel: (702)586-2964
Fax: (702)586-3023

Marcus Lee
Nevada Bar No. 15769
Inku Nam
Bar No. 12050
6385 South Rainbow Boulevard, Ste. 600
Las Vegas, NV 89118
Telephone: (702)830-9016
Facsimile: (702)366-9563

Attornes for Plaintiff Aynur Kabota

*Attorneys for Defendants Eduvision, Inc.
dba Arizona College, et al.*

IT IS SO ORDERED



Honorable Magistrate Judge Cam Ferenbach

11-7-2022

DATED: _____